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*Lead Counsel for the Indirect-Purchaser Plaintiffs*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

1 I, GERARD A. DEVER, declare as follows:

2 1. I am a member of the law firm of Fine, Kaplan and Black, R.P.C., counsel for the  
3 Indirect Purchaser Plaintiffs in the above-captioned action currently pending in the U.S. District  
4 Court for the Northern District of California. I submit this Declaration in support of Indirect  
5 Purchaser Plaintiffs' Administrative Motion to File Documents Under Seal, related to their  
6 Response to Toshiba Defendants' Motion *In Limine* to Preclude IPP Alter Ego Theories of  
7 Liability At Trial.

8 2. I am a member in good standing of the bar of the Commonwealth of Pennsylvania,  
9 and I am admitted *pro hac vice* to practice before this Court.

10 3. Pursuant to Civil Local Rules 7-11 and 79-5, and in accordance with this Court's  
11 General Order No. 62, effective May 10, 2010, IPPs, by and through their counsel, respectfully  
12 request an Order permitting filing under seal their Response to Toshiba Defendants' Motion *In*  
13 *Limine* to Preclude IPP Alter Ego Theories of Liability At Trial and Exhibits C through F to the  
14 Declaration of Gerard A. Dever in Support of the Response ("Dever Declaration").

15 1. **Exhibit C** to the Dever Declaration is a true and correct copy of Toshiba  
16 Corporation's Objections and Responses to Indirect Purchaser Plaintiffs' First Set of  
17 Interrogatories to Toshiba Defendants, which has been designated "Confidential" by the Toshiba  
18 Defendants.

19 2. **Exhibit D** to the Dever Declaration is a true and correct copy of Toshiba  
20 Corporation's Objections and Responses to Indirect Purchaser Plaintiffs' Fourth Set of Requests  
21 for Production of Documents, which has been designated "Confidential" by the Toshiba  
22 Defendants.

23 3. **Exhibit E** to the Dever Declaration is a true and correct copy of Toshiba  
24 Corporation's Objections and Responses to Indirect-Purchaser Plaintiffs' First Set of  
25 Interrogatories to Defendants, which has been designated "Confidential" by the Toshiba  
26 Defendants.

27 4. **Exhibit F** to the Dever Declaration is a true and correct copy of a September 19,

1 2014 letter from Indirect Purchaser Plaintiffs (without exhibits) to The Honorable Vaughn R.  
2 Walker, which has been designated as “Highly Confidential” by Indirect Purchaser Plaintiffs  
3 because it includes or references material that certain of the defendants have designated as  
4 “Confidential” or “Highly Confidential.”

5 5. IPPs’ Response refers to or contains excerpts from the above Exhibits. These  
6 references or excerpts are identified in the Response with yellow highlighting. An unredacted  
7 copy of the Motion with yellow highlighting is being submitted to Chambers.

8 I declare under penalty of perjury under the laws of the United States that the foregoing is  
9 true and correct.

10 Executed on February 27, 2015, in Philadelphia, Pennsylvania.

11 /s/ Gerard A. Dever

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17 *Counsel for Indirect Purchaser Plaintiffs*